

**Galli Produce Co., Inc. and David P. Kisco, Petitioner and Retail Clerks Union Local 775, affiliated with the United Food and Commercial Workers Union, AFL-CIO-CLC. Case 20-RD-1775**

28 March 1984

**DECISION AND CERTIFICATION OF REPRESENTATIVE**

**BY CHAIRMAN DOTSON AND MEMBERS  
ZIMMERMAN AND DENNIS**

The National Labor Relations Board, by a three-member panel, has considered objections to an election held 17 February 1983 and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 11 for and 5 against the Union, with 2 challenged ballots, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings and recommendations, and finds that a certification of representative should be issued.<sup>1</sup>

<sup>1</sup> In Objection 1, the Employer contends that the Board agent improperly challenged a voter on behalf of the Union. As found by the hearing

**CERTIFICATION OF REPRESENTATIVE**

IT IS CERTIFIED that a majority of the valid ballots have been cast for Retail Clerks Union Local 775, affiliated with the United Food and Commercial Workers Union, AFL-CIO-CLC, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time employees of the Employer covered by the collective bargaining agreement between the Union and the Employer at its 2163 Palm Avenue, San Mateo, California, location, excluding casual employees, owners, managers, office clerical employees, guards and supervisors as defined by the Act.

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officer, the Board agent reminded the Union's observer of the Union's intent, stated at the preelection conference, to challenge a certain voter. Sec. 11338 of the Board's Casehandling Manual admonishes Board agents not to make challenges on behalf of the parties. When a party believes that it has good cause to challenge a voter, the party's observer, not the Board agent, has the responsibility to follow through and make the challenge. However, as there is no basis here for finding that the Board agent's conduct affected the results of the election, we shall overrule Objection 1.